



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6700 Fax: 209.525.6774

June 14, 2019

System No. 5000411

McHenry Business Park Water System
C/O Pamela K. Thomas, Agent for Service
PK Thomas Family LLC
1713 Churchill Downs Circle
Oakdale, CA 95361

**COMPLIANCE ORDER NO. DER-19R-010
NITRATE MAXIMUM CONTAMINANT LEVEL VIOLATION**

Enclosed is Compliance Order No. DER-19R-010 (hereinafter "Order"), issued to the McHenry Business Park (hereinafter "MBP"), public water system. Please note there are legally enforceable deadlines associated with this Order.

MBP will be billed at the Stanislaus County Department of Environmental Resources' (hereinafter "Environmental Health") weighted labor rate of \$116 per hour for the time spent on issuing this Order. California Health and Safety Code (hereinafter "CHSC") Section 116577 provides that a public water system must reimburse Environmental Health for actual costs incurred by Environmental Health for specified enforcement actions, including preparing, issuing, and monitoring compliance with an order. At this time, the Environmental Health has spent approximately 4.75 hours on enforcement activities associated with this violation.

MBP will receive a bill sent from Environmental Health containing fees for any enforcement time spent on MBP for the current fiscal year.

Any person who is aggrieved by a citation, order, or decision issued under authority delegated to an officer or employee of Environmental Health under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision.

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order, or decision by the officer or employee of Environmental Health. The date of issuance is the date when Environmental Health mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-6720 or me at (209) 525-6700.

Sincerely,


Karl Quinn, REHS
Environmental Health Manager

Enclosure (1)

Certified Mail No. 7018 0040 0000 4302 8623

cc: Bhupinder Sahota, Stockton District Engineer
Tina Johnson, Brekke Real Estate, Inc., 1500 Standiford Ave, Bldg D, Modesto, CA 95350

Compliance Order No. DER-19R-010

STANISLAUS COUNTY

DEPARTMENT OF ENVIRONMENTAL RESOURCES

DIVISION OF ENVIRONMENTAL HEALTH

Name of Public Water System: McHenry Business Park

Water System No: 5000411

Attention: Pamela K. Thomas, Agent for Service

1713 Churchill Downs Circle

Oakdale, CA 95361

Issued: June 14, 2019

COMPLIANCE ORDER FOR NONCOMPLIANCE

CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555 AND

CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64431

NITRATE MAXIMUM CONTAMINANT LEVEL VIOLATION

2019

The California Health and Safety Code (hereinafter "CHSC"), Section 116655 authorizes the Stanislaus County Department of Environmental Resources, Division of Environmental Health (hereinafter "Environmental Health"), acting by and through its primacy delegation from the State Water Resources Control Board (State Water Board), to issue a compliance order to a public water system when Environmental Health determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC,

Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

Environmental Health, acting by and through its primacy delegation from the State Water Board, hereby issues Compliance Order No. DER-19R-010 (hereinafter "Order"), pursuant to Section 116655 of the CHSC, to the McHenry Business Park (hereinafter "MBP") for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64431 Maximum Contaminant Levels (hereinafter "MCL") – Inorganic Chemicals.

STATEMENT OF FACTS

MBP is classified as a non-transient non-community public water system with a population of 47, serving 15 connections. MBP operates under Domestic Water Supply Permit No. 2018-07-034, issued by the Environmental Health in May 29, 2019. MBP is using two groundwater sources to supply potable water to the distribution system.

CHSC, Section 116555 requires all public water systems to comply with primary drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water standards include maximum levels of contaminants, specific treatment standards, and monitoring and reporting requirements as specified in regulations adopted by the State Water Board.

CCR, Title 22, Section 64431 Maximum Contaminant Levels – Inorganic Chemicals states that public water systems shall comply with the primary MCLs established in table 64431-A. The MCL for Nitrate (as Nitrogen) is 10 Milligrams per liter (hereinafter "mg/L").

Environmental Health received laboratory results for two nitrate samples collected on February 7, 2019, and February 12, 2019, from Well 4 East Main Well (5000411-001). The average nitrate concentration from the two samples was 11 mg/L. A summary of MBP's most recent nitrate monitoring results are presented in Table 1 below:

Table 1 – Well 4 East Main Well Nitrate Sample Results

Sample Date	Result (mg/L)	Type of Sample
February 7, 2019	10.7	Initial
February 12, 2019	11.5	Confirmation

Notification to the public of the nitrate violation was performed by MBP on February 15, 2019, in conformance with CCR, Title 22, Sections 64463.4 and 64465.

DETERMINATION

Environmental Health has determined that MBP has failed to comply with primary drinking water standards, pursuant to CHSC, Section 116555, and the nitrate MCL, pursuant to CCR, Title 22, Section 64431.

Furthermore, this Order will extend to MBP's additional source(s) in the event a compliance determination, made by Environmental Health, finds that MBP's additional source(s) fail(s) to comply with primary drinking water standards pursuant to CHSC, Section 116555, and the nitrate MCL pursuant to CCR, Title 22, Section 64431.

DIRECTIVES

To ensure that the water supplied by MBP is at all times safe, wholesome, healthful, and potable, MBP is hereby directed to take the following actions:

1. By **June 14, 2022**, comply with CCR, Title 22, Section 64431.
2. Quarterly sampling for nitrate from Well 4 East Main Well began May 28, 2019, and must continue quarterly thereafter. MBP shall ensure that the laboratory, which conducts the analysis, submits the analytical results electronically by State Water Board's approved method and provides Environmental Health hard copies no later than the 10th day following the month in which the analysis was completed.
3. Monthly public notification to the customers of MBP must begin by **June 10, 2019**, and continue monthly until Environmental Health determines that the nitrate contamination is resolved. Public Notification must be conducted in conformance with CCR, Title 22, Sections 64463.1 and 64465. Appendix 1: Notification Template shall be used to fulfill this Directive, unless otherwise approved by Environmental Health.
 - a. Public notification for new customers must be conducted in conformance with CCR, Title 22, Section 64463(e), where MBP must give new customers a copy of the most recent public notice prior to or at any time service begins.

- 1 4. Complete Appendix 2: Certification of Completion of Notification Form. Submit it
2 together with a copy of the public notification required by Directive No. 3 to
3 Environmental Health within 10 days following each public notification. The first
4 certification of completion of public notification form is due by **June 20, 2019**.
- 5 5. Prepare a Corrective Action Plan for Environmental Health's approval, identifying
6 improvements to the water system designed to correct the water quality problems
7 identified as an exceedance of the nitrate MCL and ensure that MBP delivers water to
8 consumers that meets primary drinking water standards. The plan must include a time
9 schedule for completion of each of the phases of the project, such as design,
10 construction, and startup, and a date that shows when MBP will be in compliance with
11 the nitrate MCL. The date must be no later than **June 14, 2022**.
- 12 6. By **September 13, 2019**, submit the Corrective Action Plan, required under Directive
13 No. 5 above, to Environmental Health office located at 3800 Cornucopia Way, Suite
14 C, Modesto, CA 95358.
- 15 7. Perform the Environmental Health approved Corrective Action Plan, and each and
16 every element of said plan, according to the time schedule set forth therein.
- 17 8. By **January 10, 2020**, and every three months thereafter, submit a report to
18 Environmental Health in the form provided as Appendix 3, showing actions taken
19 during the previous quarter (October, November, December) to comply with the
20 Corrective Action Plan.
- 21 9. By **June 24, 2022**, demonstrate to Environmental Health that the water delivered by
22 MBP complies with the Nitrate MCL.
- 23 10. Notify Environmental Health in writing no later than five (5) days prior to the deadline
24 for performance of any Directive set forth herein if MBP anticipates it will not meet such
25 performance deadline.
- 26 11. By **July 15, 2019**, complete and return to Environmental Health the "Notification of
27 Receipt" form attached to this Order as Appendix 4. Completion of this form confirms

1 that MBP has received this Order and understands that it contains legally enforceable
2 directives with due dates.

3 All submittals required by this Order, unless otherwise specified in the directives above,
4 must be electronically submitted to Environmental Health at the following address. The subject
5 line for all electronic submittals corresponding to this Order must include the following information:
6 Water System name and number, compliance order number, and title of the document being
7 submitted.

8 Rachel Riess, R.E.H.S.
9 Department of Environmental Resources
10 3800 Cornucopia Way, Suite C
11 Modesto, CA 95358
12 LPAStanislaus@envres.org

13 Environmental Health reserves the right to make modifications to this Order that it may
14 deem necessary to protect public health and safety. Such modifications may be issued as
15 amendments to this Order and shall be effective upon issuance.

16 Nothing in this Order relieves MBP of its obligation to meet the requirements of the
17 California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270),
18 or any regulation, standard, permit, or order issued or adopted thereunder.

19 PARTIES BOUND

20 This Order shall apply to and be binding upon MBP, its owners, shareholders, officers,
21 directors, agents, employees, contractors, successors, and assignees.

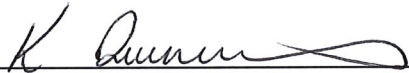
22 SEVERABILITY

23 The directives of this Order are severable, and MBP shall comply with each and every
24 provision thereof notwithstanding the effectiveness of any provision.

25 FURTHER ENFORCEMENT ACTION

26 The California SDWA authorizes Environmental Health, pursuant to authority
27 delegated by the State Water Board, to issue a citation or order with assessment of
28 administrative penalties to a public water system for violation or continued violation of the

requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. Pursuant to its delegated authority, the California SDWA also authorizes Environmental Health to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of Environmental Health, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of Environmental Health. Environmental Health does not waive any further enforcement action by issuance of this Order.



Karl Quinn, R.E.H.S.
Environmental Health Manager
Division of Environmental Health
Department of Environmental Resources
Stanislaus County

6/14/2019

Date

Appendices (4):

1. Notification Template
2. Certification of Completion of Public Notification
3. Quarterly Progress Report
4. Notification of Receipt Form

Certified Mail No. 7018 0040 0000 4302 8623

APPENDIX 1. NOTIFICATION TEMPLATE

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

DRINKING WATER WARNING

McHenry Business Park water has high levels of nitrate

DO NOT GIVE THE WATER TO
INFANTS UNDER 6 MONTHS OLD OR PREGNANT WOMEN
OR USE IT TO MAKE INFANT FORMULA

Water sample results received [date] showed nitrate levels of [level and units]. This is above the nitrate standard, or maximum contaminant level (MCL), of 10 milligrams per liter. Nitrate in drinking water is a serious health concern for infants less than six months old.

What should I do?

- **DO NOT GIVE THE WATER TO INFANTS.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.*
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** *High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems, storm water run-off, and fertilizers). Levels of nitrate in drinking water can vary throughout the year. We will let you know if the amount of nitrate is again below the limit.

[Describe corrective action, seasonal fluctuations, and when system expects to return to compliance.]

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- *SCHOOLS: Must notify school employees, students, and parents (if the students are minors).*
- *RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.*
- *BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.*

This notice is being sent to you by [system].

State Water System ID#: _____. Date distributed: _____.

INFORMACIÓN IMPORTANTE SOBRE SU AGUA POTABLE

Este aviso contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

ADVERTENCIA SOBRE EL AGUA POTABLE

El agua de McHenry Business Park tiene altos niveles de nitratos

**NO DE ÉSTA AGUA A BEBÉS MENORES DE 6 MESES O A MUJERES EMBARAZADAS.
TAMPOCO USE ÉSTA AGUA PARA PREPARAR FORMULA INFANTIL**

Los resultados de las pruebas del agua recibidas el [date] mostraron niveles de nitrato de [level and units]. Estos niveles exceden el estándar o nivel máximo de contaminante (MCL) de 10 miligramos por litro. Los nitratos en el agua potable son una preocupación seria en bebés menores de seis meses.

¿Qué debe hacer?

- **NO DE ÉSTA AGUA A BEBÉS MENORES DE 6 MESES.** *Los bebés menores de 6 meses que toman agua con nitrato en exceso del nivel máximo de contaminante (MCL), se pueden enfermar seriamente y rápidamente. Y si los bebés no reciben atención médica, pueden morir debido a que los altos niveles de nitratos pueden interferir con la capacidad de la sangre de los bebés para transportar oxígeno. Los síntomas incluyen falta de aire y coloración azulada de la piel. Los síntomas en los bebés se pueden desarrollar rápidamente y la salud se deteriora en cuestión de días. Si hay síntomas de intoxicación por altos niveles de nitratos, busque atención médica de inmediato.*
- **LAS MUJERES EMBARAZADAS NO DEBEN CONSUMIR AGUA CON ALTOS NIVELES DE NITRATOS.** *Los altos niveles de nitrato también pueden afectar la capacidad de la sangre de mujeres embarazadas para transportar oxígeno.*
- No use agua de la llave para preparar jugo, agua, y formula para bebés menores de 6 meses. Use agua embotellada u otra agua baja en nitratos para los bebés menores de 6 meses hasta nuevo aviso.
- **NO HIERVA EL AGUA.** Hervir, congelar, filtrar, o dejar reposar el agua, no reduce el nivel de nitratos. Hervir el agua en exceso puede causar que los nitratos se concentren más, porque los nitratos se quedan cuando el agua se evapora.
- Si tiene otros problemas de salud por el consumo de ésta agua, usted debería consultar con su doctor.

¿Qué sucedió? ¿Qué se está haciendo al respecto?

El nitrato en el agua potable puede originar de fuentes naturales, industriales, o agrícolas (incluyendo sistemas sépticos, escorrentía de agua de lluvia, y fertilizantes). Los niveles de nitrato en el agua potable pueden variar a través del año. Le informaremos si el nivel de nitratos vuelve a estar debajo del límite.

[Describe corrective action, seasonal fluctuations, and when system expects to return to compliance.]

Para más información, por favor contacte a [name of contact] al [phone number] o [mailing address]

Por favor comparta esta información con todas las demás personas que tomen de esta agua, especialmente aquellos que no hayan recibido éste aviso directamente (por ejemplo, las personas en apartamentos, asilos, escuelas, y negocios). Puede hacerlo poniendo este aviso en un lugar público o distribuyendo copias en persona o por correo.

Requisitos de Notificación Secundaria

Al recibir la notificación de alguien que opere un sistema de agua público, se debe dar la siguiente notificación dentro de 10 días conforme a la Sección 116450(g) del Código de Salud y Seguridad:

- *ESCUELAS: Deben notificar a los empleados de la escuela, estudiantes, y a los padres (si los estudiantes son menores).*
- *DUEÑOS O GERENTES DE PROPIEDAD PARA ALQUILER RESIDENCIAL (incluyendo asilos e instituciones de cuidado): Deben notificar a sus inquilinos.*
- *DUEÑOS DE PROPIEDAD DE NEGOCIOS, GERENTES, U OPERADORES: Deben notificar a los empleados de los negocios situados en la propiedad.*

Este aviso es enviado por [system].

Núm. de Identificación del Sistema Estatal de Agua: _____.

Fecha de distribución: _____.

APPENDIX 2
CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

Compliance Order Number: DER-19R-010

Name of Water System: McHenry Business Park

System Number: 5000411

Attach a copy of the public notice distributed to the water system's customers.

This form, when completed and sent to LPAStanislaus@envres.org for the 3800 Cornucopia Way, Suite C, Modesto CA 95358, serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public notification for failure to comply with the Nitrate MCL was conducted on:

Notification was made on _____ (date).

For the month, year of _____, _____.

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

For Community and non-transient non-community public water systems

☐ The notice was distributed by mail or direct delivery to each customer on: _____

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery or persons served by a transient public water system (renters, nursing home patients, prison inmates, etc.):

☐ Posted the notice at the following conspicuous locations served by the water system. (If needed, please attach a list of locations). _____

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice on the Internet at www._____

☐ Other method used to notify customers. _____

I hereby certify that the above information is factual.

Certified by: Printed Name _____ Title _____

Signature _____

Date _____

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

APPENDIX 3: QUARTERLY PROGRESS REPORT

Water System: McHenry Business Park	Water System No: 5000411
Compliance Order No: DER-19R-010	Violation: Nitrate MCL
Calendar Quarter:	Date:

This form should be prepared and signed by McHenry Business Park personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to Environmental Health to the following email address: LPAStanislaus@envres.org titled appropriately.

Summary of Compliance Plan:

--

Tasks completed in the reporting quarter:

--

Tasks remaining to complete:

--

Anticipated compliance date:

--

Printed Name**Signature**

Title**Date**

APPENDIX 4– NOTIFICATION OF RECEIPT

Compliance Order Number: DER-19R-010

Name of Water System: McHenry Business Park

System Number: 5000411

Certification

I certify that I am an authorized representative of the McHenry Business Park and that Compliance Order No. DER-19R-010 was received on _____. Further, I certify that the Order has been reviewed by the appropriate management staff of the McHenry Business Park and it is clearly understood that Compliance Order No. DER-19R-010 contains legally enforceable directives with specific due dates.

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE STANISLAUS COUNTY,
ENVIRONMENTAL HEALTH, NO LATER THAN JULY 15, 2019**

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

